



# **2015 Biennial Indigent Defense Countywide Plan Instructions**

**September 4, 2015**

## 2015 Biennial Indigent Defense Countywide Plan Instructions

Not later than November 1 of each odd-numbered year, every county is mandated by the Texas Legislature to submit to the Texas Indigent Defense Commission (Commission): (1) a copy of its countywide indigent plan(s) and procedures and any revisions to the plan or forms previously submitted; or (2) a verification that the plan and forms previously submitted still remain in effect. These instructions govern the submission of the plans due to be submitted to the Commission on or before Monday, November 2, 2015, pursuant to Section 79.036 of the Texas Government Code. Completion of this process is necessary for your county to maintain eligibility to receive grant funds awarded by the Commission.

### **New Plan Requirements**

The 84<sup>th</sup> Texas Legislature passed [SB 1517](#), which set requirements for appointment of counsel for persons arrested on out-of-county warrants. Additionally, the Commission passed an administrative rule requiring local plans to provide procedures for defendants to obtain the necessary forms to request counsel and to submit these forms to the appointing authority at any time after the initiation of adversary judicial proceedings.

- 1) **Appointing counsel for arrests on out-of-county warrants.** SB 1517 amended Article 1.051 and Article 15.18 of the Code of Criminal Procedure to require the magistrate to ask a person arrested on an out-of-county warrant if he/she wishes to request counsel, inform the person of the procedures for requesting counsel, and ensure the person is provided reasonable assistance in completing the necessary forms for requesting counsel. The magistrate must then transmit the request for counsel to the appointing authority of the county issuing the warrant within 24 hours of the request being made. [Art. 15.18(a-1), CCP]. The following sample language may be added to the **Prompt Magistration** section of your Adult Plan (i.e. criminal) and has been incorporated into a revised plan template for that section:

For persons arrested on out-of-county warrants, the magistrate will ask the defendant if he/she would like to request appointed counsel. The magistrate will record the response, and if counsel is requested, the magistrate will provide the arrestee with the appropriate forms for requesting counsel. The magistrate will ensure assistance in completing the forms at the same time. The forms will be transmitted to the appointing authority in the county issuing the warrant within 24 hours of the request being made. Regarding the appointment of counsel, persons arrested in other counties on local warrants must be appointed counsel in the county that issued the warrant within 1 working day of receipt of the request in counties with a population of 250,000 or more and within 3 working days of receipt of the request in counties under 250,000. Persons arrested on out-of-county warrants must be appointed counsel in the county of arrest if the person has not been transferred or released to the custody of the county issuing the warrant before the 11<sup>th</sup> day after the date of the arrest. [Art. 1.051(c-1), CCP].

In addition, the following sample language may be added to the **Prompt Appointment of Counsel** section of your Adult Plan and has been incorporated into a revised plan template for that section:

- i. If an indigent defendant is arrested in another county based on this county's warrant, counsel will be appointed within \_\_\_\_ working day(s) of this county's receipt of the request for counsel.
- ii. If a defendant is arrested in this county based on another county's warrant, counsel will be appointed for the defendant if, on the eleventh day after the arrest, the defendant is still in this county's custody.

Note: You need to insert either one or three in the blank depending on whether the population of your county is more or less than 250,000.

2) **Methods to obtain financial forms needed to request counsel and to submit those forms** any time after adversarial judicial proceedings have been initiated. The Texas Indigent Defense Commission adopted [1 TAC § 174.51](#) to require each Adult Plan to include a method for defendants to obtain financial forms any time after adversarial judicial proceedings have been initiated. The following sample language may be added to the Prompt Appointment of Counsel section of your Adult Plan and has been incorporated into revised plan template language for that section:

If a defendant wishes to request counsel prior to the initial appearance, the forms required to request counsel may be obtained at the Texas Indigent Defense Commission's website at <http://tidc.tamu.edu/public.net/> or from: \_\_\_\_\_. The defendant may submit these forms to: \_\_\_\_\_. The court will rule on all requests for counsel submitted in this manner.

Note: You need to note in the first space where the affidavit indigence may be obtained by a defendant (e.g. the district clerk, court coordinator, indigent defense coordinator). The second blank must indicate to whom the completed form should be returned.

**The indigence defense plan must also include an affidavit-of-indigence form.** This document should be uploaded on the "Forms" tab of the plan submission website in the same way that attorney fee schedules, attorney fee vouchers, and other documents are currently submitted.

Each of the new items above has been incorporated into the adult plan requirements and adopted by the Commission. The revised plan requirements are at the end of these instructions. These were originally adopted by the Commission in 2009 to establish the minimum criteria for what topics each plan must address.

Aside from the new requirements previously listed, the process of reviewing and amending the indigent defense plan on file with the Commission will be very straightforward and builds on the hard work put in to enter the plan in the online system six years ago. To permit judges to easily submit the needed revisions to their existing plans, we will send an email to each of the judges responsible for submission of the existing plans (local administrative district, local administrative statutory

county/constitutional county judge, and juvenile board chair) with a hyperlink directly to their plan or plans after logging into the system.

<b>Summary of Steps to Submitting/Verifying the 2015 Countywide Indigent Defense Plan</b>	
1.	Click hyperlink in email from Texas Indigent Defense Commission (please follow Alternative Instructions in next section if you do not have an email address on file with us or want to submit your plan before receiving the email)
2.	Enter your username and password (see note below on obtaining this from PPRI)
3.	Update contact information for local officials and out-of-county arrest contacts as needed. Accurate out-of-county arrest contacts will be critical to effectively implement the new requirements of SB 1517 described above. <b>Note:</b> If you are no longer the administrative judge/juvenile board chair, then please contact Megan McIntire at PPRI via e-mail ( <a href="mailto:MMcIntire@ppri.tamu.edu">MMcIntire@ppri.tamu.edu</a> ) or telephone (979) 845-1041 so that the materials and email may be sent to the new judge to complete the submission process.
4.	Click the “Edit/Submit Plan” button to make changes to and then submit the plan.
5.	Click the appropriate tab for the section of the plan to be amended and enter text.
6.	Click the Forms tab to upload a new or revised form. This includes the new requirement to submit an affidavit of indigence if you have not done so already, as well as any contracts for indigent defense services.
7.	Click the “Submit” button on the plan submission tab and you are finished*

\*Note: In cases where a plan covers more than one county there may be multiple officials designated to complete the submission (e.g. different local administrative district judges for the counties covered by a single plan). All the officials will be listed on the plan submission website.

**Alternate Instructions-** Follow these instructions if you wish to proceed without waiting for the email or do not have an email address on file with the Commission:

- 1) Log onto <http://tidc.tamu.edu>
- 2) Enter your username and password (see note below on obtaining this from PPRI).
- 3) Update contact information for local officials and out-of-county arrest contacts as needed
- 4) Under the “ID Plan” heading on the left side of screen click “Verify/Amend County/District/Juvenile Plan,” as appropriate.
- 5) Click the appropriate tab for the section of the plan to be amended and enter text. The minimum attorney qualifications section must be amended in every plan before it may be submitted. All juvenile board plans prompt appointment of counsel section will also need to be amended unless it already requires appointment of counsel prior to the initial detention hearing.
- 6) Click the “Forms” tab and upload the new or revised form(s), as well as to upload the new required documents (Contracts for indigent defense services, Public defender’s office plan or proposal, or Managed assigned counsel plan of operation).
- 7) Click the “Plan Submission” tab and then click the “Submit” button and you are finished.

The Texas A&M University, Public Policy Research Institute (PPRI) manages the collection, storage and retrieval of data for the Commission. PPRI is available to assist local officials with completing the plan submission/verification process, as well as with updating contact information and local officials listed on the website. If a person other than the recipient of this letter needs to obtain a user name and password please contact Megan McIntire at PPRI through e-mail ([MMcIntire@ppri.tamu.edu](mailto:MMcIntire@ppri.tamu.edu)), phone (979) 845-1041, fax (888-351-3485), or by regular mail:

Megan McIntire, PPRI  
TAMU, Mailstop 4476  
College Station, Texas 77843-4476

PPRI will not provide user names and passwords over the phone. Individuals using personal e-mail accounts may be asked to provide additional information to verify their identity.

Below are more **detailed instructions** on how to complete the plan submission process:

- 1) **Log onto <http://tidc.tamu.edu> or click link from email and log in**
  - Enter your Username and Password. If you do not know your username and password, please contact Megan McIntire at PPRI at [MMcIntire@ppri.tamu.edu](mailto:MMcIntire@ppri.tamu.edu).
  - Sign in – The official responsible for submission of the plan (Local Administrative District Judge, Local Administrative Statutory County Court Judge/County Judge, or Chair of the Juvenile Board) logs in to the website using their unique username and password. This official is the only one who may complete the submission

process; however a designee may make updates to the plan at the official's direction. Once the designee submits changes to the plan an email will be sent to the appropriate official or officials for them to approve the submission.

**2) Update contact information for local officials and out-of-county arrest contacts as needed** Verify and update the contact information for the officials responsible for the plans and the out-of-county arrest contacts. Use the "Change" button when the person listed is no longer the designated official and also to change contact information for a person. The out-of-county arrest contact is the person who should be contacted to arrange for appointment of counsel in your county when a person is arrested in another county based on an arrest warrant or directive to apprehend issued in your county on behalf of your jurisdiction (District, County, or Juvenile Courts) as described at the top of these instructions. This information is posted on the Commission's website for easy access by magistrates who are now required to forward counsel requests to the appointing authority in the county issuing the warrant.

**3) Click the "Edit/Submit Plan" button to make changes to and then submit the plan (if you clicked the link in the email)**

If you logged on to the website directly, select "Verify/Amend County/District/Juvenile Plan," depending on which plan(s) you are responsible for submitting.

**4) Click the appropriate tab for the section of the plan to be amended and enter text.**

Select the plan section tab(s) where you want to make changes to your plan. The Prompt Magistration section and the Prompt Appointment of Counsel section of most adult plans will need to be amended to provide for methods to appoint counsel when defendants have been arrested on out-of-county warrants. The Prompt Appointment of Counsel section will also need to provide a method for defendants to obtain affidavits of indigence and a method for defendants to submit these affidavits at any time after the initiation of adversarial judicial proceedings.

**5) Click the "Forms" tab to upload a new or revised form(s).**

Select the type of form(s) to be uploaded, click "Browse" to locate the document on your computer, and then click "Upload". Use this function to upload the new required documents if applicable to your jurisdiction (Affidavits of Indigence are now a required form in the adult plan). Also use this function to upload revised forms, such as new attorney fee schedules or contracts for indigent defense services.

**6) When you complete all updates go to the "Plan Submission" tab and click the "Submit" button(s)**

**7) Approval/Verification of plan by statutorily designated official** - If the person who completes the submission process is not the official designated by statute to make the submission, an email will then be generated to that official with a link to this page that the official must click to approve the submission. The following are the

officials designated to submit the plans:

- The local administrative district judge is the designated official to submit the plan for the district courts trying felony cases.<sup>1</sup>
- The local administrative statutory county judge (or county judge if no statutory county judge) is the designated official to submit the plan for the county courts trying misdemeanor cases.<sup>2</sup>
- If the two levels of court submit a joint plan, then the local administrative district judge is the designated official to submit the plan.<sup>3</sup>
- The chair of the juvenile board is the official designated to submit the juvenile board's plan.<sup>4</sup>

In cases where a plan covers more than one county there may be multiple officials designated to complete the submission. As an example, if a plan is submitted for three counties, but the submitting judge is the local administrative district judge in only two of the counties, then the local administrative district judge of the third county would also have to approve the submission. This would be done via an automatic email to that judge in the process described above.

**8) Plan Amendments and New Forms** - Although the mandatory plan submission process is only every other year, we strongly encourage you to continue to submit any changes to your plan or forms as they occur. We want to make sure the information we publish on our website is current. You may do so in the same manner as the original plan submission by selecting the appropriate section(s) of your plan to amend or form to replace. Whenever a change is submitted, the system will automatically archive the prior version for later reference and note the date of the change and who made it. As with the original submission, if the person submitting the change is not the designated official, an email to that official will be generated so that they may approve the submission.

**Notes related to making changes to your plan:**

- **Minimum plan requirements** - If you make changes to your plan, please be sure to review the minimum plan requirements for that section. These will appear above the text boxes for each section. Commission staff will review all amended sections to make sure they still meet these requirements. A complete listing of requirements for both adult and juvenile plans follows these instructions with new requirements underlined.
- **Review plan templates** – Immediately below the required elements are a listing of “Available Templates”. These templates provide sample language that meet the requirements for that plan section and were created based on a review of all existing indigent defense plans. Click “View” and a new window will appear with the text for your review and to potentially copy and paste into your plan. If you use

---



<sup>1</sup> TEX. GOV'T CODE § 79.036(b)(1)

<sup>2</sup> TEX. GOV'T CODE § 79.036 (b)(2)

<sup>3</sup> TEX. GOV'T CODE § 79.036 (c)

<sup>4</sup> TEX. GOV'T CODE § 79.036 (d)

the plan templates, be sure to insert text in the blanks to indicate your policy decision, such as the number of CLE hours required for attorneys.

- **Enter text into appropriate plan sections** – Edit the text of your plan in the text box shown below the plan requirements and plan templates. When you have completed entering the text for a section, save it by clicking the  button on the left side of the toolbar. Continue to the next section you wish to review or edit by clicking the appropriate tab. You may leave the plan submission page and come back later to complete the process prior to submitting- just be sure you have saved the text in each section using the  button.
- **Upload Forms used in the indigent defense process** – Upload forms by clicking the “Forms” tab. There are nine categories of forms plus an “other” category:
  - Magistrate’s Warning Form
  - Affidavit of Indigence
  - Attorney Application for Appointment
  - Attorney Fee Schedule
  - Attorney Fee Voucher
  - Waiver of Counsel
  - Public Defender Plan or Proposal
  - Managed Assigned Counsel Plan of Operation
  - Contracts for Indigent Defense Services
  - Other Forms

As with the text in the plans, we have provided a variety of sample form templates that you may adopt and use as part of your own plan. Click “View” and a new window will appear with the form for your review. You may also save the form to your own computer if you would like to alter it in some way prior to uploading it. Click “Insert name Template” to upload and use the template form.

You may also upload a form directly from your computer by first selecting the appropriate document type for each form to be uploaded by clicking the bubble adjacent to that category (e.g. attorney fee voucher). Then click “Browse” to locate the file containing the form on your computer or network. The forms will be automatically labeled based on the type you select. If you upload a form in the “Other Forms” category, please provide a description of the form in the text box provided. This, along with the county name and court level, will be used as its name when displaying the form on the website. Then click “Upload” and the form will be uploaded and immediately appear below under “Plan Document Folder” heading. Based on prior submissions we anticipate forms being submitted in at least the first six categories for most adult plans submitted and first five categories for juvenile plans. An attorney fee schedule<sup>5</sup>, an attorney fee voucher<sup>6</sup>, and an affidavit of indigence<sup>7</sup> are required by statute or administrative rule and must be included as

---

<sup>5</sup> TEX. CODE CRIM. Proc. art. 26.05(b).

<sup>6</sup> TEX. CODE CRIM. Proc. art. 26.05(c).

<sup>7</sup> 1 TAC § 174.51.



part of your plan submission. Additionally, a public defender plan or proposal<sup>8</sup>, managed assigned counsel plan of operation<sup>9</sup>, and any contracts for indigent defense services<sup>10</sup> are required to be submitted if your jurisdiction uses those service delivery systems. If you do not have an electronic copy of a form, then you may scan it into a PDF file and upload it in the manner described above.

---

<sup>8</sup> TEX. GOVT CODE § 79.036(a)(2)

<sup>9</sup> TEX. GOVT CODE § 79.036(a)(3)

<sup>10</sup> TEX. GOVT CODE § 79.036(a)(4)

## Adult Minimum Plan Requirements

(New requirements are underlined)

### 1. Conduct prompt and accurate magistration proceedings.

- Accused must be brought before magistrate within 48 hours of arrest\* [Art. 14.06(a), CCP]
- Magistrate must inform and explain right to counsel and right to appointed counsel to accused [Art. 15.17(a), CCP]
- Magistrate must ensure that reasonable assistance in completing forms necessary to request counsel is provided to the accused. [Art. 15.17(a), CCP]
- Record must be made of:
  - Magistrate informing the accused of the accused's right to request appointment of counsel [Art. 15.17(e)(1), CCP]
  - Magistrate asking whether accused wants to request appointment of counsel [Art. 15.17(e)(2), CCP]
  - Whether the person requested court appointed counsel [Art. 15.17(e)(3), CCP]
- If authorized to appoint counsel, magistrate must do so within 1 working day after receipt of request for counsel in counties with a population of 250,000 or more and within 3 working days in counties under 250,000 [Art. 15.17(a), CCP]
- If not authorized to appoint counsel, magistrate within 24 hours must transmit or cause to be transmitted to the appointing authority an accused's request for counsel [Art. 15.17(a), CCP]
- For a person arrested on an out-of-county warrant, the magistrate must ask if the person wants to request counsel, inform the person of the procedures for requesting counsel, and ensure the person is provided reasonable assistance in completing the necessary forms for requesting counsel in the county issuing the warrant. [Art. 15.18(a-1), CCP]
- Requests for counsel made by persons arrested on out-of-county warrants must be transmitted to the appointing authority of the county issuing the warrant within 24 hours of the request being made. [Art. 15.18(a-1), CCP]

\* Note: Person arrested for misdemeanor without a warrant must be released on bond in an amount no more than \$5,000 not later than 24 hours after arrest if a magistrate has not determined probable cause by that time [Art. 17.033, CCP]

### 2. Determine indigence according to standards directed by the indigent defense plan.

- Detail procedures used to determine whether a defendant is indigent [Art. 26.04(l)-(r), CCP]
- State financial standard(s) to determine whether a defendant is indigent [Art. 26.04(l), CCP]
- List factors courts will consider when determining whether a defendant is indigent [Art. 26.04(m), CCP]

### 3. Establish minimum attorney qualifications.

- Establish objective qualification standards for attorneys [Art. 26.04, CCP]
  - Standards must require attorneys to complete at least 6 hours of continuing legal education pertaining to criminal law during each 12-month reporting period (see [1 TAC §§174.1-174.4](#))
  - Standards must require attorneys to submit by October 15 each year the percentage of the attorney's practice time that was dedicated to work based on appointments accepted in this county for adult criminal and juvenile delinquency cases. The report must be made on a form prescribed by the Texas Indigent Defense Commission for the prior 12 months that begins on October 1 and ends on September 30 [Art. 26.04(j)(4), CCP]
- Attorneys must be approved by majority of judges to be placed on the appointment list [Art. 26.04, CCP]

#### 4. Appoint counsel promptly.

- Incarcerated persons: After receipt of request for counsel, counsel must be appointed within 1 working day in counties with a population of 250,000 or more and 3 working days in counties under 250,000 [Art. 1.051(c), CCP]
- Persons out of custody: Counsel must be appointed at defendant's first court appearance or when adversarial judicial proceedings are initiated, whichever comes first [Art. 1.051(j), CCP] (See also, [Rothgery v. Gillespie County](#) and [presentation](#) from indigent defense workshop)
- Persons arrested in other counties on local warrants must be appointed counsel within 1 working day of receipt of the request in counties with a population of 250,000 or more and within 3 working days of receipt of the request in counties under 250,000. [Art. 1.051(c-1), CCP]
- Persons arrested on out-of-county warrants must be appointed counsel if the person has not been transferred or released to the custody of the county issuing the warrant before the 11<sup>th</sup> day after the date of the arrest. [Art. 1.051(c-1), CCP]
- Procedures for defendants to obtain the necessary forms to request counsel and to submit these forms to the appointing authority at any time after the initiation of adversary judicial proceedings. [1 TAC § 174.51]
- Advise unrepresented defendants of the right to counsel and procedures for obtaining counsel [Art. 1.051(f-2), CCP]

#### 5. Institute a fair, neutral, and non-discriminatory attorney selection process.

- Rotational method: Must appoint attorneys from among next five names on appointment list in the order in which the attorneys' names appear on the list, unless the court makes a finding of good cause on the record for appointing an attorney out of order [Art. 26.04(a), CCP]
- Public Defender: Must meet the requirements in Article 26.044, CCP and process for appointment of the public defender needs to be in indigent defense plan [Art. 26.04(f), CCP]
- Alternative method [Art. 26.04(g)-(h), CCP]:
  - Must be established by vote of two-thirds of the judges

- Must be approved by presiding judge of administrative judicial region
- Must allocate appointments reasonably and impartially among qualified attorneys
- For contract defender program, must meet contract defender standards (see [1 TAC §§174.10 – 174.25](#))

6. Fee and expense payment process.

- Payments shall be in accordance with a schedule of fees adopted by the judges [Art. 26.05(b), CCP]
- No payment shall be made until judge approves payment after submission of attorney fee voucher [Art. 26.05(c), CCP]
- If judge disapproves the requested amount of payment, the judge shall make written findings stating the amount that the judge approves and each reason for approving an amount different from the requested amount. [Art. 26.05(c), CCP]
  - An attorney whose request for payment is disapproved or is not acted upon within 60 days of submission may appeal the disapproval or failure to act by filing a motion with the presiding judge of the administrative judicial region
- Expenses incurred without prior approval shall be reimbursed if expenses are reasonably necessary and reasonably incurred. [Arts. 26.05(d) & 26.052(h), CCP]

7. Forms.

- Magistrate's Warning Form
- Affidavit of Indigence [1 TAC § 174.51]
- Attorney Application for Appointment
- Attorney Fee Schedule [Art. 26.05(b), CCP]
- Attorney Fee Voucher [Art. 26.05(c), CCP]
- Waiver of Counsel
- Public Defender Plan or Proposal [Sec. 79.036(a)(2), GC]
- Managed Assigned Counsel Plan of Operation [Sec. 79.036(a)(3), GC]
- Contracts for Indigent Defense Services [Sec. 79.036(a)(4), GC]
- Other Forms

CCP=Code of Criminal Procedure

GC=Government Code

TAC=Texas Administrative Code

## Juvenile Minimum Plan Requirements

1. Conduct prompt detention hearing if child not released by intake.
  - If child taken into custody, then must hold detention hearing by second working day, or first working day if detained on Friday or Saturday [Sec. 54.01(a), FC]
  - Prior to detention hearing, court must inform child's parent or other person responsible for child's support of child's right to appointed counsel if they are indigent [Sec. 54.01(b), FC]
2. Determine indigence according to standards directed by the indigent defense plan.
  - Detail procedures used to determine whether a child's parent(s) or other person(s) responsible for child's support are indigent [Sec. 51.102(b)(1), FC & Art. 26.04(l)-(r), CCP]
  - State financial standard(s) to determine whether a child's parent(s) or other person(s) responsible for child's support are indigent [Art. 26.04(l), CCP]
  - List factors courts will consider when determining whether a child's parent(s) or other person(s) responsible for child's support are indigent [Art. 26.04(m), CCP]
3. Establish minimum attorney qualifications.
  - Establish objective qualification standards for attorneys for three levels of conduct [Sec. 51.102(a),(b)(2), FC]:
    - Conduct indicating a need for supervision or delinquent conduct (no TYC possible);
    - Delinquent conduct (TYC possible); and
    - Determinate sentence or discretionary transfer to criminal court proceedings has been initiated.
  - Standards must require attorneys to complete at least 6 hours of continuing legal education pertaining to juvenile law during each 12-month reporting period (see [1 TAC §§174.1-174.4](#))
  - Standards must require attorneys to submit by October 15 each year the percentage of the attorney's practice time that was dedicated to work based on appointments accepted in this county for adult criminal and juvenile delinquency cases. The report must be made on a form prescribed by the Texas Indigent Defense Commission for the prior 12 months that begins on October 1 and ends on September 30 [Art. 26.04(j)(4), CCP]
  - Attorneys must be approved by a majority of the Juvenile Board to be placed on the appointment list [Sec. 51.102(a), FC & Art. 26.04, CCP]
4. Appoint counsel promptly.
  - Unless the court finds that the appointment of counsel is not feasible due to exigent circumstances, the court shall appoint counsel within a reasonable time before the first detention hearing is held to represent the child at that hearing [Sec. 54.01(b-1), FC]
  - If the child was not represented by an attorney at the detention hearing and a determination was made to detain the child, the child shall immediately be entitled to representation by an attorney [Sec. 51.10(c), FC]

- If not detained, attorney must be appointed on or before 5<sup>th</sup> working day after the date the petition for adjudication, motion to modify, or discretionary transfer hearing was served [Sec. 51.101(c)-(d), FC]
5. Institute a fair, neutral, and non-discriminatory attorney selection process.
- Rotational method: Must appoint attorneys from among next five names on appointment list in the order in which the attorneys' names appear on the list, unless the court makes a finding of good cause on the record for appointing an attorney out of order [Art. 26.04(a), CCP]
  - Public Defender: Must meet the requirements in Article 26.044, CCP and process for appointment of the public defender needs to be in indigent defense plan [Art. 26.04(f), CCP]
  - Alternative method [Art. 26.04(g)-(h), CCP]:
    - Must be established by vote of two-thirds of the juvenile board
    - Must be approved by presiding judge of administrative judicial region
    - Must allocate appointments reasonably and impartially among qualified attorneys
    - For contract defender program, must meet contract defender standards (see [1 TAC §§174.10 – 174.25](#))
6. Fee and expense payment process.
- Payments shall be in accordance with a schedule of fees adopted by the Juvenile Board [Art. 26.05(b), CCP]
  - No payment shall be made until judge approves payment after submissions on court's attorney fee voucher [Art. 26.05(c), CCP]
  - If judge disapproves the requested amount of payment, the judge shall make written findings stating the amount that the judge approves and each reason for approving an amount different from the requested amount [Art. 26.05(c), CCP]
    - An attorney whose request for payment is disapproved or is not acted upon within 60 days of submission may appeal the disapproval or failure to act by filing a motion with the presiding judge of the administrative judicial region
  - Expenses incurred without prior approval shall be reimbursed if expenses are reasonably necessary and reasonably incurred [Arts. 26.05(d) & 26.052(h), CCP]
7. Forms.
- Affidavit of Indigence
  - Attorney Application for Appointment
  - Attorney Fee Schedule [Art. 26.05(b), CCP]
  - Attorney Fee Voucher [Art. 26.05(c), CCP]
  - Public Defender Plan or Proposal [Sec. 79.036(a)(2), GC]
  - Managed Assigned Counsel Plan of Operation [Sec. 79.036(a)(3), GC]
  - Contracts for Indigent Defense Services [Sec. 79.036(a)(4), GC]
  - Other Forms

CCP=Code of Criminal Procedure    FC=Family Code  
 GC=Government Code    TAC=Texas Administrative Code